



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28660**", the original copy of which is attached hereto, was passed for publication of title on the **10th day of November, 2009**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **1st day of December, 2009**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **1st day of January, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **2nd day of December, 2009**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28660

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
CHAPTER 12.05 OF TITLE 12 OF THE SAN JOSE
MUNICIPAL CODE TO ADD SECTION 12.05.080 AND
AMENDING SECTION 12.12.610 OF CHAPTER 12.12 OF
TITLE 12 TO PERMIT CERTAIN PERSONS TO REQUEST
FORMAL WRITTEN ADVICE FROM THE CITY ATTORNEY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Chapter 12.05 of Title 12 of the San José Municipal Code is hereby amended to add a new section, to be numbered, entitled and to read as follows:

12.05.080 Formal Written Advice From City Attorney

Any person may request the City Attorney to provide written advice with respect to the person's duties under the provisions of Chapter 12.05 and Chapter 12.06. The City Attorney must provide the advice within twenty-one (21) working days of the request, provided that the time may be extended for good cause. It shall be a complete defense in any enforcement proceeding before the Elections Commission, and evidence of good faith conduct in any other civil or criminal proceeding, if the requestor, at least twenty-one (21) working days before the alleged violation, requested written advice from the City Attorney in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice or because of the failure of the City Attorney to provide advice within twenty-one (21) days of the request or such later extended time.

SECTION 2. Section 12.12.610 of Part 6 of Chapter 12.12 of Title 12 of the San José Municipal Code is hereby amended to read as follows:

12.12.610 Enforcement

- A. The City Attorney may investigate complaints of violations of this Chapter. The City Attorney may seek judicial or injunctive relief in the courts to enjoin violations of or to compel compliance with the provisions of this Chapter.

- B. Any person may file a complaint with the City Clerk alleging a violation of this Chapter with the Elections Commission.

- C. The City Attorney or the City Clerk may put lobbyists on notice of a potential violation of the requirements of this Chapter, whether or not a complaint is filed with the Elections Commission.

- D. Any person may request the City Attorney to provide written advice with respect to the person's duties under the provisions of this Chapter. The City Attorney must provide the advice within 21 working days of the request, provided that the time may be extended for good cause. It shall be a complete defense in any enforcement proceeding before the Elections Commission, and evidence of good faith conduct in any other civil or criminal proceeding, if the requestor, at least 21 working days before the alleged violation, requested written advice from the City Attorney in good faith, disclosed truthfully all the material facts, and committed the acts complained of either in reliance on the advice or because of the failure of the City Attorney to provide advice within 21 days of the request or such later extended time.

PASSED FOR PUBLICATION of title this 10th day of November, 2009, by the following vote:

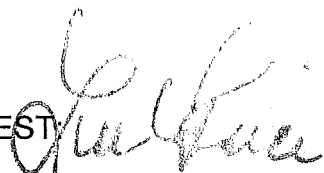
AYES: CAMPOS, CHIRCO, HERRERA, KALRA, LICCARDO,
OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CHU, CONSTANT, NGUYEN.

DISQUALIFIED: NONE.

ATTEST



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor